

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 361

Introduced by Assembly Member Sharon Runner

February 11, 2005

An act to add Section 8214.7 to the Government Code, relating to notaries public.

LEGISLATIVE COUNSEL'S DIGEST

AB 361, as amended, Sharon Runner. Notaries public.

Existing law generally sets forth the procedures for proof and acknowledgment of instruments executed before notaries public and prescribes administrative penalties and civil fines for violation of provisions that govern notaries public.

This bill would provide that a notary public who completes and seals a certificate of acknowledgment with the knowledge that a person whose name is subscribed to the instrument that is being acknowledged as having executed the instrument in the presence of the notary public did not, in fact, personally appear before the notary public at the time of the execution of the instrument, is guilty of a ~~felony~~ *misdemeanor*. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 8214.7 is added to the Government Code, to read:

8214.7. In addition to any commissioning or disciplinary sanction or penalty assessed pursuant to Section 8214.15, a notary public who completes and seals a certificate of acknowledgment, as prescribed in Section 1189 of the Civil Code, with the knowledge that a person whose name is subscribed to the instrument that is being acknowledged as having executed the instrument in the presence of the notary public did not, in fact, personally appear before the notary public at the time of the execution of the instrument, is guilty of a ~~felony~~ misdemeanor.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.